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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,981	12/31/2001	Ronald L. Edens	17,692	5327

23556 7590 07/03/2003

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
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EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 07/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,981

Applicant(s)

EDENS ET AL.

Examiner

Michele Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5, 7, 9 – 10, 12 – 17, 19, 21 – 22, 24 – 29, 31 and 33 – 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn, III (6,007,528).

With reference to claims 1, 12, 15, 24, 27 and 34 Osborn, III (hereinafter "Osborn") discloses an absorbent article comprising a fluid permeable cover (28), a liquid impermeable baffle (30), and an absorbent (32) situated between the cover and the baffle, the absorbent article being configured for disposition within the vestibule of a female wearer (col. 3, lines 54 – 56), the absorbent article further having a principal longitudinal axis, a principal transverse axis, a body-facing surface, a surface opposed to the body-facing surface, a length, a width, a thickness, first and second spaced apart longitudinal sides and at least one tab extending outward from at least one longitudinal side (64) as set forth in figure 4.

As to claims 2, 13 and 25 Osborn discloses an absorbent article wherein the tab has sufficient dimensions as set forth in figure 4.

With reference to claims 3 – 4, 14, 16, 26 and 28 Osborn discloses an absorbent article wherein the tab comprises a fluid permeable material that extends outward from at least one of the longitudinal sides to form the tab as set forth in col. 11, lines 50 – 55.

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With reference to claims 9 – 10, 21 – 22, 33 and 35, Osborn discloses an absorbent article wherein the tab comprises a fluid impermeable material that extends outward from at least one of the longitudinal sides to form the tab as set forth in col. 11, lines 50 – 55.

Regarding claims 5, 7, 17, 19, 29 and 31, Osborn discloses an absorbent article wherein the tab comprises an absorbent material that extends outward from at least one of the longitudinal sides to form a tab as set forth in col. 11, lines 56 – 65 through the incorporation of Van Tilburg (US 4,589,876).

Van Tilburg teaches an absorbent article wherein the tab comprises an absorbent material (30) as set forth in col. 5, lines 25 – 32 and figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8, 11, 18, 20, 23, 30, 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn, III et al. (US 6,007,528).

The difference between Osborn and claims 6, 8, 11, 18, 20, 23, 30, 32 and 32 is the provision that the absorbent material further comprises a superabsorbent.

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It would have been obvious to one of ordinary skill in the art to modify the absorbent material of Osborn to comprise a superabsorbent because it is well known in the art that the benefit of using a superabsorbent versus an absorbent is that the superabsorbent material is a water-insoluble but water-swellaable polymeric substance capable of absorbing water in an amount at least ten times the weight of the substance in its dry form thereby reducing the bulk of the article and further preventing leakage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell
Michele Kidwell
June 20, 2003

Weilun Lo
WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700